

From: Mia, Marcia
Sent: Tuesday, September 18, 2018 04:25 PM
To: Cox, John; Bermes, Peter
CC: Creech, Christopher
Subject: RE: Request to Limit Scope of FOIA 2018-003357
Attachments: 52720691.pdf

The email that John attached provides the timeline of the limits to the original request. I think that the memo mentioned at the end of the thread is the one which answers your question - I am attaching it here as it did not carry over from the outlook attachment John provided.

Marcia B Mia

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

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From: Cox, John
Sent: Tuesday, September 18, 2018 12:18 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: Request to Limit Scope of FOIA 2018-003357

Hi Peter,

Attached is the last email thread that I have from Mr. Lucas. In it, they did not agree to exclude reports submitted to EPA pursuant to 60.5422a, subparagraphs (a), (b), and (c) from the scope of their request.

However, they did exclude from the scope of their original request, reports submitted to EPA pursuant to 60.5423a(b). The same is true from reports submitted pursuant to 60.5420a, subparagraphs (a)(1), (a)(2), and (b)(10).

Not sure if this is exactly what you're looking for or not - let me know if it isn't

and I'll continue searching for it.

Thanks!

John

John Cox
Office of Compliance/Air Branch
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202-564-1395

From: Bermes, Peter
Sent: Tuesday, September 18, 2018 11:47 AM
To: Mia, Marcia <Mia.Marcia@epa.gov>; Cox, John <cox.john@epa.gov>
Cc: Creech, Christopher <Creech.Christopher@epa.gov>
Subject: RE: Request to Limit Scope of FOIA 2018-003357

Hi Marcia and John,

I'm drafting the closeout letters for the Clean Air Council and California requests. I have the below correspondence confirming that CAC agreed to limit their search to HQ offices. I can't seem to find a similar email for the California request. The request number would be EPA=HQ-2018-001886. The email would likely have come from Daniel Lucas or Gary Tavetian. If the agreement to limit the scope was not memorialized in an email, if you can let me know the date on or about when the agreement would have been made over the phone, that will work as well. Please let me know if you have any questions. Thanks,

Peter

From: Mia, Marcia
Sent: Tuesday, March 20, 2018 3:13 PM
To: Bermes, Peter <Bermes.Peter@epa.gov>; Creech, Christopher <Creech.Christopher@epa.gov>
Subject: FW: Request to Limit Scope of FOIA 2018-003357

Limit of scope.

Marcia B Mia, Acting Chief

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042

From: Robert Routh [mailto:rrouth@cleanair.org]

Sent: Monday, January 29, 2018 10:48 AM

To: Mia, Marcia <Mia.Marcia@epa.gov>

Cc: Battle, Jernell <Battle.Jernell@epa.gov>; Newman, Maya <Newman.Maya@epa.gov>; Cox, John <cox.john@epa.gov>

Subject: Re: Request to Limit Scope of FOIA 2018-003357

Ms. Mia,

Thank you for your message. Clean Air Council does not object to the proposed limitations to the scope of our FOIA request, as outlined in your previous email.

Best,

Robert

Robert M. Routh, Esq.

Staff Attorney*

Clean Air Council

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*Licensed to practice in New York

On Tue, Jan 23, 2018 at 3:43 PM, Mia, Marcia <Mia.Marcia@epa.gov> wrote:

Dear Mr. Routh,

I am in receipt of your Freedom of Information Request (FOIA) for "all records related to reporting by 40 CFR part 60, subpart 0000a" dated 1/3/2018. The FOIA office is reviewing your request for a Fee Waiver and for Expedited Processing. In the meantime, I would like to reach agreement on certain limitations to the scope of your request, as described below.

As background, we have received a similar request (FOIA 2018-001886) for the same records. In order to provide a timely response to your FOIA, we respectfully request to apply the same limits to the scope of your FOIA that the requestor for FOIA 2018-001886 has agreed. This will allow us to use the same search criteria and responsive records, which we have already initiated under that FOIA.

The general limits are as follows:

1. EPA would like an extension of the due date until March 30, 2018. The records have the potential to be voluminous and are located among many offices and the regions. Additionally, some of the material is or may be claimed Confidential Business Information (CBI) and we need to work through that claim with the claimants.
2. EPA is able to provide records on a rolling response, beginning with the records responsive to Item 1 which were submitted electronically to CEDRI. We will continue to provide responsive records as they are available from the responsive region or office.
3. EPA would like to limit the scope of the request for all records between August 16, 2016 and November 21, 2017.

The specific limits are as follows:

Item 1:

Limit responsive records to Regions 3-10 and those which are available electronically on CEDRI. The reports in Item 1 are submitted to the regions and/or via CEDRI. OECA does not have records responsive to this request.

Exclude reports submitted to EPA pursuant to §60.5420a(a)(1)-(a)(2)

Exclude reports of Performance Tests conducted by the manufacturer and reported under §60.5420a(b)(10).

Exclude reports submitted to EPA pursuant to §60.5423a(b).

Item 2:

Limit responsive records to the following Headquarters Offices, with the following exclusions:

- i. OAR - Exclude Office of Transportation and Air Quality (OTAQ) and Office of Radiation and Indoor Air (ORIA)

ii. Office of Enforcement and Compliance Assurance

iii. Office of the Administrator

Thank you for your consideration.

Marcia B Mia, Acting Chief

Air Branch

Office of Compliance

2227A WJCS

U.S. Environmental Protection Agency

202-564-7042